

Manteca, California  
January 11, 2000

The Board of Directors of the South San Joaquin Irrigation District met in regular session in their chambers at the hour of 9:00 a.m.

Upon roll call the following members were noted present:

DIRECTORS: DEGROOT      HAWORTH      KAMPER      ROOS      SCHULZ

Also present were Secretary/Manager Martin, Engineering Department Manager Wahlgren, Engineering Department Supervisor Bologna, and Attorney Emrick.

President Roos called the meeting to order and asked for public comment. There being none he asked the Board to consider approval of the Consent Calendar Items as presented.

#### CONSENT CALENDAR

- A.      SSJID Warrants of \$61,387.43 and Payrolls of \$181,560.56.
- B.      Regular Adjourned Board meeting Minutes of December 28, 1999.

Motion by Kamper, seconded by Haworth, to approve the Consent Calendar items as presented.

PASSED AND ADOPTED this 11<sup>th</sup> day of January 2000 by the following roll call vote:

Ayes:	DeGroot	Haworth	Kamper	Roos	Schulz
Noes:	None				

Consider conditional approval of the Poppy Hills Estates Development. Bologna recommended conditional approval subject to satisfactory completion of all necessary documents. **Motion by DeGroot, seconded by Haworth, and unanimously carried to authorize execution of improvement plans, final map, and related documents when all are satisfactorily completed.**

Consider a Reimbursement Agreement with the City of Ripon relative to the piping of a portion of District Lateral "U" and authorize a Developers Agreement with the adjacent developer to construct a pipeline. Bologna said the cost of this project is approximately \$126,000, to be shared equally by the developer, City of Ripon and the District. The District's share is approximately \$42,172. Bologna recommended approval of the agreement and authorize execution of same. **Motion by Schulz, seconded by Kamper, and unanimously carried to approve the agreement and authorize execution of same.**

Consider approval of plans for Alameda Meadows, Unit #1, and authorize signature of three party agreement between District, City of Manteca, and the District. Bologna recommended

approval and authorization to execute agreement subject to changes to be approved by Attorney Emrick. **Motion by Kamper, seconded by Haworth, and unanimously carried to approve the agreement and authorize execution of same subject to changes to be approved by Attorney Emrick.**

Consider approval of 1999 Phase II monitoring sites as it relates to the District's SCADA System. Martin said the cost for this phase is approximately \$125,000. He recommended approval. **Motion by DeGroot, seconded by Haworth, and unanimously carried, to approve the 1999 Phase II Monitoring at a cost not to exceed \$125,000.**

Consider authorizing purchase of 4 pickup trucks, a diesel 4 X 4 truck, and a one-ton crew cab diesel truck. After discussion the following actions were taken:

**Motion by Schulz, seconded by Haworth, and unanimously carried, to approve purchase of four ½ ton pickups from Steve's Chevrolet, total cost; \$64,150.40.**

**Motion by DeGroot, seconded by Schulz, to purchase a Ford 4 X 4 diesel truck from Country Ford, total cost; \$30,891.24, and a Ford 1 Ton crew cab and chassis also from Country Ford, total cost; \$27,761.19.**

**Motion Carried, 4 Ayes, 1 No, with Director Roos voting No.**

Discussion concerning the Source Water Protection Project Priority List as it relates to the District. Grant Krienberg, Project Manager for the South County Surface Water Supply Project said the Project applied to the State Department of Health Services for a \$2,000,000 low interest loan. As a result the project was listed number one on the priority list. The loan would be used by the project for the following:

Placement of berms and fencing the Main Supply Canal at critical areas to preclude cattle access, re-routing selected drains to prevent direct discharge of agricultural drainage to the canal; construction of new sanitary facilities at the reservoir to eliminate pit toilets, the posting of signs at the reservoir to advise the public that the reservoir is a public water supply, and preparation of public educational materials. Also, Jay Hesby of Black & Veatch, said the Operating Committee discussed various routes for the pipeline. He said the committee feels the Dodds Road to Murphy Road was the most desirable route. The Board stated a preference for the Dodds Road alignment but asked Hesby to look at the other alignment west of Murphy Road. No action was taken.

Consider approval of Resolution No. 2000-01-F, Adopting Fees, Charges, and Penalties. **Motion by Haworth, seconded by Schulz, to adopt Resolution 2000-01-F.**

## **SOUTH SAN JOAQUIN IRRIGATION DISTRICT**

### **POLICY GOVERNING COLLECTION OF FEES, CHARGES, AND PENALTIES RESOLUTION 2000-01-F**

**WHEREAS**, the South San Joaquin Irrigation District desires to adopt certain charges and penalties relative to the administration and processing of certain provisions of the California Water Code (hereinafter identified by "Section" only), and

**WHEREAS**, Section 22280 provides the authority for a district to fix and collect charges in lieu in whole or in part of levying of assessments, and

**WHEREAS**, Section 22283 provides that a district may prescribe reasonable rules to carry out the provisions of Article 3 of Chapter 2 of Part 5 of Division 11 of the Water Code, and

**WHEREAS**, Section 25655 provides that a district may in lieu either in whole or in part of levying the annual assessment for district purposes use any revenue derived prior to or during the next ensuing calendar year from charges which the district may fix and collect pursuant to Section 22280, and

**WHEREAS**, Section 22284 provides that when any charges fixed for services under Section 22280 become delinquent, the charges may be collected in accordance with procedures specified in Water Code Section 25806, and

**WHEREAS**, Section 25806 provides that in case any charge for water and other services or either of them remain unpaid, the amount of the unpaid charges may at the discretion of the district be added to and become a part of the annual assessment levied upon the land upon which the water for which the charges are unpaid was used and upon the real property subject to the charges for any other district services and may constitute a lien on that real property or be secured at any time by filing for record in the office of the county recorder a certificate as described in Section 25806, and when the charges become delinquent, they may be collected in the manner provided for the collection of delinquent assessments in Chapter 5 (commencing with Section 26075) and Chapter 6 (commencing with Section 26225) of Part 10 of Division 11 of the Water Code, and

**WHEREAS**, Section 26077 provides that the collector may collect on delinquent assessments for the use of the district, penalties amounting to five percent (5%) when assessments are not payable in installments and when payable in installments the penalties may be ten percent (10%) on the first installment and five percent (5%) on the second, and

**WHEREAS**, Section 26078 provides that upon the assessment, if not payable in installments, or the second installment of it, if payable in installments, becoming delinquent, the collector may collect, in addition to the assessments due on the delinquent list and the penalties added, costs in the sum of five dollars (\$5) on each parcel of land separately assessed, and may collect costs of publication of the list of delinquencies and notice as required by Section 26105, and

**WHEREAS**, Sections 26102-26108 provide details relating to the publication of a delinquent list and specifically Section 26107 provides for the Board of Directors to

designate which newspapers of general circulation within the district it elects for the delinquent list to be published, and

**WHEREAS,** Sections 26125-26132 provide details relating to the sale of property when same is delinquent in amounts owed to a district and specifically Section 26128 provides that on the day fixed for the sale in the published notice or on a subsequent day to which the collector may have postponed it, the collector shall sell to the district the whole amount of each parcel of property separately assessed upon which the assessments remain unpaid, and

**WHEREAS,** Section 26134 provides that the district as purchaser may assign any certificates of sale for a consideration of not less than the amount of the assessment, penalties, and costs, and

**WHEREAS,** Section 26225 provides that property sold for delinquent assessments may be redeemed within five years from the date of sale, or thereafter before a collector's deed of the property has been delivered; and provides that redemption before a collector's deed of the property has been delivered may be made by payment to the collector of the amount for which the property was sold plus a penalty equal to the annual adjusted rate established by the Franchise Tax Board, and

**WHEREAS,** Section 26225 also provides that should redemption occur after a collector's deed has been delivered it may be made by payment of the total of the following amounts: i)

The total of the amount of the sale shown on each certificate of sale outstanding; ii) A penalty on each certificate of sale outstanding equal to the adjusted annual rate established by the Franchise Tax Board as provided in Section 19521 of the Revenue and Taxation Code, divided by 12 per month from the date of sale until redemption; iii) An amount for each year of escaped assessment determined as follows: the assessor shall establish the assessment value for the land for each year of the escaped assessment and the collector shall apply the rate fixed in that year to determine the amount of the escaped assessment; iv) The costs incurred in connection with recording the Certificate of Sale and the Certificate of Redemption; v) The costs of publication of notice incurred in connection with the delinquency; and vi) The costs incurred in connection with the preparation for a proposed sale of property, except that a district board may waive some or all of these costs if it determines that the circumstances support the waiver; and

**WHEREAS,** Sections 26226 & 26229 provide administration of certificates of redemption and the recording of same with the county recorder and for the collection of the recording fee provided for in Section 27361 of the Government Code, and

**WHEREAS,** Section 25809 provides that a district may make an additional reasonable charge for processing or reprocessing an invalid check or other instrument used to pay an assessment or service charge owed to the district. The reasonable charge may be for cost of the processing or reprocessing of the valid check or instrument plus the amount

provided by Civil Code 1719. If the charge for processing or reprocessing becomes delinquent, the charge may become a lien against the land on which the assessment was made or to which the service was rendered, as provided in Section 25806, and

**WHEREAS**, Section 25930 also provides that a reasonable additional charge may be made for processing or reprocessing an invalid check or other invalid instrument as provided in Section 25809 on "any other charge owed the district", and

**WHEREAS**, Section 25807 provides that if the annual district assessment is payable in two installments the unpaid charges may be added to and become a part of the first installment, and

**WHEREAS**, Section 25929 provides that the collector shall accept payment of current year assessments even though prior year delinquencies on real property may exist, and

**WHEREAS**, Section 25950 provides that the Board may pass a resolution providing that thereafter annual assessments shall be payable in two installments, and

**WHEREAS**, Section 25951 provides that the two installments may be equal unless the resolution specifies different percentages to be paid in each installment, in which case the installments shall be payable as specified in the resolution, and

**WHEREAS**, Section 25952 provides that the resolution may be adopted at or prior to the time of the levy of any annual assessment it is to affect, and

**WHEREAS**, Section 22282 provides that whenever any charge for any service provided for by this division has been fixed, they may be made payable in advance, and

**NOW THEREFORE BE IT RESOLVED:** i) that the South San Joaquin Irrigation District desires to institute the permissive charges for services rendered and for inconveniences experienced and as provided within the above noted Sections, all underlined "may" words shall hereafter be interpreted as being "shall", ii) that no "certificate of sale" shall be assigned without the prior approval of the Board of Directors, iii) that pursuant to Section 26107 the Board of Directors designates that "notice and delinquent lists" be published in a local newspaper of general circulation within the South San Joaquin Irrigation District's bounds, provided however, that for the current year it would be published in a Manteca newspaper, iv) that this resolution be examined and amended, if necessary, annually by the South San Joaquin Irrigation District's Finance Committee and, as provided by Section 25952, be readopted to reflect changes in the

law and the desires of the Board of Directors, and v) staff of the South San Joaquin Irrigation District shall do whatever is necessary to assure that the intent of this resolution is actively pursued.

**BE IT FURTHER RESOLVED:** i) that the South San Joaquin Irrigation District (DISTRICT) shall, as provided by Section 22282.1, refuse service to any land having outstanding charges for services already rendered and that hereafter DISTRICT shall deny water service to any land having outstanding amounts owed DISTRICT when such amounts are outstanding in excess of ten (10) working days; ii) that the DISTRICT shall, as provided by Section 22256, refuse to furnish water to any land to which it holds title by virtue of a collector's deed under which the right of redemption has not been terminated or to any or all land on which the DISTRICT has an outstanding unredeemed certificate of sale for the nonpayment of a DISTRICT assessment or duly authorized charge; and iii) that beginning on June 1 or thereabouts of each year the DISTRICT shall, publish a "second installment due notice" within each of the three local newspapers in accordance with the provisions of Government Code Section 6066.

PASSED AND ADOPTED this 11th day of January 2000, by the following roll call vote:

Ayes: De Groot      Haworth      Kamper      Roos      Schulz  
Noes: None

Consider adoption of Resolution 2000-02-F, Approving Entering into an Agreement with Guaranty Federal Bank for Banking Services. Martin said the District has attempted to get Delta National Bank, our current bank, to provide direct deposit, but Delta has told us they could not. He recommended approval. Attorney Emrick said for the record, his firm represents Guaranty Federal Bank. After discussion the following action was taken. **Motion by Schulz, seconded by Kamper, to adopt Resolution No. 2000-02-F.**

**SOUTH SAN JOAQUIN IRRIGATION DISTRICT  
RESOLUTION NO. 2000-02-F  
APPROVING ENTERING INTO AN AGREEMENT WITH GUARANTY FEDERAL  
BANK FOR BANKING SERVICES**

**WHEREAS**, it is in the best interest of the SOUTH SAN JOAQUIN IRRIGATION DISTRICT ("District") to arrange for the transfer of deposited funds of the District other than by check or draft; and

**WHEREAS**, GUARANTY FEDERAL BANK ("Bank") provides wire transfers and comparable transfer services.

**RESOLVED**, that the Bank is hereby requested to honor, execute and process the District's telephonic, written, electronic, or oral requests for the transfer of funds from the accounts of the

District at the Bank to other accounts of the District at any other bank, financial institution or to third party, upon and subject to such terms and conditions as may from time to time be agreed upon between the District and Bank.

**FURTHER RESOLVED**, that one of the following named officers

Ralph Roos, the President  
Dave Kamper, the Vice-President

of the District are hereby authorized, directed and empowered for and on behalf of and in the name of this District:

3. To execute Agreements with the Bank providing for such funds transfers, and to make and verify requests for such transfers, and the Bank shall be entitled to honor all such requests of the following employees:

Richard Martin, General Manager/Secretary  
John Stein, Assistant General Manager/Assistant Secretary  
Robin Giuntoli, Finance Supervisor

as provided in said Agreements;

4. To perform or cause to be performed all further acts and execute and deliver all further instruments which Bank may deem necessary to carry out the purposes of this Resolution.

**RESOLVED FURTHER**, that the District hereby ratifies and confirms the acts of its officers, agents or employees in heretofore requesting transfers of funds this District's accounts with the Bank by wire or comparable transfer together with any acts performed in relation thereto.

**RESOLVED FURTHER**, that Directors

Ralph Roos, President, or  
Dave Kamper, Vice-President,

and Staff,

Richard Martin, General Manager/Secretary  
John Stein, Assistant General Manager/Assistant Secretary  
Robin Giuntoli, Finance Supervisor

be, and they are hereby, any one Director and any one staff authorized to co-sign checks, drafts, or other orders for and on behalf of the District for such funds of said District deposited in the Bank and designated as a Business Checking Account.

**RESOLVED FURTHER**, that Staff,

Richard Martin, General Manager/Secretary  
John Stein, Assistant General Manager/Assistant Secretary  
Robin Giuntoli, Finance Supervisor

be and they are hereby any one individual, authorized to sign PAYROLL checks, drafts, direct deposit wires or other orders for an on behalf of the District for such funds of said District deposited in the Bank and designated as a Business Checking Account.

PASSED AND ADOPTED this 11<sup>th</sup> day of January 2000 by the following roll call vote:

Ayes: Kamper Roos Schulz  
Noes: DeGroot Haworth

Consider authorizing City of Ripon's purchase of a strip of land owned by the District. Martin said the 50 foot strip is equal to 1.54 acres. He said that using the appraised value and the 25% factor, the value of the strip is \$4,042 and the land was offered to the City for this amount. The City intends to use the land for a storm drainage basin and park. Martin said special terms of the sale are that the District retain the right of first refusal should the City of Ripon elect to sell or exchange property within the next three years. He recommended approving the sale of the strip of land to the City of Ripon. Attorney Emrick said that until an agreement is prepared no action should be taken. No action was taken.

SSJID and Tri-Dam Committee Appointments for 2000. The following appointments were made by the Board of Directors:

**Tri-Dam Project and Tri-Dam Power Authority:** Directors Kamper & Haworth  
(Alternate DeGroot)

**Budget and Financial:** Directors DeGroot and Roos

**Insurance & Safety:** Directors Haworth, (Alternate Manager Martin)

**Personnel:** Directors Haworth & Roos, (Alternate Schulz)

**Equipment:** Directors Haworth & Kamper

**Community Relations:**

Manteca - Directors DeGroot & Haworth

Ripon - Directors Kamper & Roos

Escalon- Directors Kamper & Schulz

San Joaquin County Flood Control & Water Conservation, District Advisory Water Commission (County Appointment) - Director Haworth (Alternate DeGroot)

San Joaquin River Management Group Authority - Director DeGroot (Alternate Haworth)

**Special Committees:**

D-TAC - Manager Martin & Assistant Manager Stein, plus any Director per availability.

Domestic Water Issues - Directors DeGroot & Haworth

Agricultural Water Issues - Directors Schulz & Kamper

San Joaquin River Management Group Authority - Director DeGroot (Alternate Haworth)

**ACWA Committees:**

Water Management, Water Reclamation, Environmental, & Reuse  
Directors DeGroot & Haworth  
Water Quality - Manager Martin

**Appointment of Officers for the following positions:**

Secretary/General Manager - Martin  
Asst Secretary/Asst. Manager - Stein  
Treasurer, Assessor, Collector - Stein

Discussion concerning the purchase of a laser level. Martin said we need the laser level for use in setting the pipe grade when we install pipelines. He said staff obtained bids and he recommends the Board approve purchase of the laser level from Safe T Lite at a price of \$3,965.98 which was the low bid. **Motion by Schulz, seconded by Kamper, and unanimously carried, to approve the purchase of a laser level from Safe T Lite as recommended for a price of \$3,965.98.**

Manager's Reports:

Martin reported that water deliveries began this morning.

Martin passed out a draft proposal from Dr. Burt and said final proposal should be on the next agenda.

Martin reported the Operating Committee for the South County Water Treatment Project met yesterday. He said the EIR will be going to the cities shortly and should be back to the Board by the end of February. Emrick said that relative to lawsuits on the EIR the Cities are asking for a Joint Defense Agreement whereby the District will pay a portion of the costs.

Stein reported that as of January 10, 2000 inflow into Melones is 143,655, our share is 71,827.50 acre feet. With the formula used by the USBR per our 1988 agreement the District's share of water is 147,885 acre feet. We have 40,060 acre feet in the conservation account, 15,000 acre feet in Woodward Reservoir, which gives us 202,945 acre feet. We have commitments of 11,000 to VAMP and 4,000 to SEWD giving us a net available of 187,945 acre feet. According to Ron Morrow's we will use approximately 21,000 acre feet during the current winter run, leaving us with 166,945 acre feet for our 2000 irrigation season. Stein cautioned the Board that any additional inflows result in only 1 foot for every 3 feet of inflow due to the formula water calculation. (Allocation 600,000 minus inflow, divided by 3 plus inflow equals total available to SSJID and OID, divided by 2 gives us our share).

Martin read the following into the record:

Structure Abandonments:

Paul Adrian, APN 247-190-01, to abandon 24" valve installation on Lateral "K" at Station 35.

Bob Winters, APN 243-160-27, to abandon C structure on Lateral "W 183 dd", Station 23+24.

Structure Permit:

City of Manteca, adjacent to APN 208-140-01, to connect to existing Drain 3 inlet from standard City catch basin.

Encroachment Permit:

Dan Ballard, APN 208-120-26, to encroach upon Lateral "Re" easement with a swimming pool.

President Roos called for closed session relative to litigation matters, personnel matters, and labor update as follows: Attorney Emrick announced the Board will be discussing items A & B.

- a. Conference with real property negotiator, PG&E Property - price and items of payment under negotiation. Gov. Code, S. 54956.8.
- b. Conference with legal counsel, appointment and employment of Public Employee, General Counsel, Gov. Code, S. 54957.

Upon returning from closed session it was reported no reportable action was taken in closed session.

There being no further business to come before the Board, it was moved by DeGroot, seconded by Schulz, and unanimously carried to adjourn to January 25, 2000 at 9:00 a.m.

ATTEST

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John Stein, Assistant Secretary

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